

SOCIAL AND PERSONAL

The Husbandman.

He who would start and rise
Before the crowing cocks—
No more he lifts his eyes,
Whoever knocks.

He who before the stars
Would call the cattle home—
They wait about the bars
For him to come.

Him at whose hearty calls
The farmstead wails again,
The horses in their stalls
Expect in vain.

Busy and blithe and bold,
He labored for the morn;
The plow his hands would hold
In the furrow.

His fields he had to leave,
His orchards and his dim;
The clouds he used to cleave
Now cover him.

But the green growing things
Lean kindly to his sleep;
White roots and wandering strings
Closer they creep.

Because he loved them long
And with them bore his part,
Tenderly now they throng
About his heart.

—C. G. D. Roberts.

Pink Hydrangea Booth.

The Baptist booth in the April Floral Carnival, to be given at Masonic Temple, for the joint benefit of the Woman's Christian Association, the Day Nursery and Free Kindergarten, will be known under the name of the "Pink Hydrangea," the colors and symbols of the flower to be most artistically and appropriately carried out in the carnival.

The energy with which the ladies interested in this booth are working guarantees that it will not only be a bower of beauty, but that it will be filled to the brim with scores of things to arrest the attention and arouse the interest of congeners to the carnival.

Mrs. Charles E. Wingo is chairman of this booth. The vice-chairmen are, Mrs. Coleman Wortham, Mrs. H. L. Lorraine, Mrs. Carey Nelson and Mrs. Sue Scruggs. Others assisting are Mrs. Hugh Powell, Mrs. Arthur Sinton, Mrs. Shelton, Mrs. G. T. Talley, Mrs. W. H. Clark, Mrs. Ellington, Mrs. D. S. McCarthy, Mrs. J. B. Goode, Mrs. Emmet Dickinson, Mrs. C. J. Phillips, Mrs. W. A. Chearwood, Mrs. W. E. Wood, Mrs. J. B. Hutson, Mrs. D. S. Harwood, Mrs. R. E. Craig, Mrs. E. F. Seay, Mrs. Robert Smith, Mrs. B. S. Johnson, Mrs. Charles Guy, Mrs. J. B. Hawthorne and Mrs. J. H. Wheeler.

The following young ladies will serve at the Makaloukian annex, where the programme will be changed each night during the carnival: Misses Cora Duke, Carolyn Holladay, Bessie Belle Davis, Alberta Gwathmey, Louise Knight, Kate Jones, Jane McEntire, Rose Smith, Maude Starke, Belle Williamson, Gray Moseley, Katie Jones, Gentry Jones, Fannie Townsend, Jennie Harrold, Emma Bove, Brent Witt, Fannie Potts and Misses Stevenson, Allen, Flournoy and others.

Purple Wisteria Booth.

The Presbyterial booth at the Floral Carnival to open May 18th in the Masonic Temple and continue through May 23rd, will be entitled "The Purple Wisteria," calling up visions of Japanese tea houses, shrouded in delicate blossoms and bearing striking evidence to the taste and skill of the ladies who have its management in their hands.

Meeting Called.

Miss Pearl Hedecker, president-chairman of the carnival, has called a meeting of all interested in it, and connected with it officially, at the Woman's Christian Association building to-day at 11 o'clock A. M.

Rallies at the Reservoir.

Beginning with Sunday, March 4th, the Virginia Passenger and Power Company's young people and children will hold a rally in the association building the first Sunday of each month at 3:30 P. M. Mr. Reginald Warner will conduct these rallies, and has a series of very attractive talks. The following Sunday afternoon the elocutionist and soloist will be Miss Maggie Bryant and Mr. W. D. Evans.

Parents are Invited to Attend, and all employees will be very welcome.

The company issues for these occasions free transportation tickets to children under sixteen.

Mrs. Haynes Honored.

The Norfolk Dispatch of Wednesday contains the following mention of a luncheon given by Mrs. Plumer, of Suffolk, in honor of Mrs. Haynes, of this city. The Dispatch says:

Yesterday Mrs. John B. Plumer was hostess at an eight-course luncheon. The affair was in honor of Mrs. Samuel Haynes, of Richmond. A centerpiece was made up of pink roses. Lovely hand-decorated cards were used. Those present were: Mesdames R. Edward Norfleet, R. H. Rawley, H. E. Egan, T. M. Downing, John Y. King, Herbert West, Samuel Haynes, L. Parker Hill and Nathaniel D. Wither. Mesdames Susan Prentiss and Florence Ramsey.

Matinee Euchre.

At the meeting of the Tuesday matinee

THE COHEN COMPANY

Mill-End Remnant Sale

Case after case of piece goods have come in from the mills, their clean-up of all spring fabrics before starting on fall and winter goods. Shoppers can save hundreds of dollars by laying in a full supply now.

16 $\frac{3}{4}$ c to 19c White Goods, 934c.

12 $\frac{1}{2}$ c to 15c Cotton Fabrics, 6c.

10c and 12 $\frac{1}{2}$ c Embroideries, 5c.

And so for many others. Do not wait, but come now, while there is ample for all demands.

Poems You Ought to Know.

Whatever your occupation may be, and however crowded your hours with affairs, do not fail to secure at least a few minutes every day for refreshment of your inner life with a bit of poetry.—Professor Charles Elliot Norton.

No. 750.

CURTAIN OF THE DARK

By LUCY LARCOM.

Other selections from this author, her portrait, autograph and biographical sketch, have already been printed in this series.

THE curtain of the dark

Is pierced by many a rent:

Out of the star-wells, spark on spark

Trickles through night's torn tent.

Grief is a tattered tent

Where through God's light doth shine.

Who glances up, at every rent

Shall catch a ray divine.

This series began in The Times-Dispatch Sunday, Oct. 11, 1933. One is published each day.

each day. Mrs. O. B. James won the first ladies' prize and Mrs. C. W. Massie the second.

The meeting was with Miss Southern and proved extremely pleasant. Mrs. E. L. Talley, of No. 214 North Twentieth Street, will be the club hostess next week.

PATRIOTIC SOCIETIES.

Letters Read.

At a called meeting of the Confederate Memorial Literary Society, held February 27th, letters were read by the corresponding secretary from Senator John W. Daniel, of Virginia, and Representatives Lamb and Hall, of Virginia, and Clark, of Mississippi, all of whom pledged themselves to support the bill now before Congress for an appropriation to mark the graves of Confederates who died in Northern prisons.

An announcement from Mrs. Behan, in regard to the annual convention of the Confederate Memorial Associations in New Orleans, on April 25th-27th, was considered, and the society decided to send delegates to the convention.

It was also decided to print and send a list of questions, proposed by Mrs. Joseph H. H. Ware, of New York, who has been spending some time in Richmond, expects to visit Newport News before returning home.

Miss Mollie Lottier is visiting Mrs. W. S. Upshur in Newport News.

Mrs. Thomas Stokes will be at the Jefferson Hotel until the middle of March.

Mrs. Stellinius, who has been the guest of her parents, Mr. and Mrs. William Tucker Carrington, has left for home.

A letter of sympathy was ordered written Mrs. Van Wych, of California, on the recent death of her daughter, Laura, who was drowned on the "Valencia," off Van Couver's Island, and who went down with the ship, chasing the men and singing hymns to the last.

Pound Party Success.

The ladies composing the Board of the Retreat for the Sick, desire to express to all who remembered the institution, by contributing to the success of its annual pound party on yesterday, their most grateful thanks and profound appreciation.

The ladies of the board, the president, and the other ladies of the board enjoyed the presence of many friends who called during the day. The rooms were bright and fragrant with flowers, and a cordial welcome greeted all visitors.

The pound party, although success, the ladies receiving large quantities of all kinds of household stores and a generous amount in money.

Literary Round Table.

The meeting of the Literary Round Table at the Woman's Club Wednesday afternoon brought together about forty ladies, who greatly enjoyed discussing "The Garden of Allah," under the direction of Miss Annie Stehler Winston.

The next book to be taken up will be Booth Tarkington's "Conquest of Canaan."

Personal Mention.

Miss Ethel Rucker, of Lynchburg, Va., and Miss Bessie Massie, of Amherst, are guests of Dr. and Mrs. C. W. Massie, at No. 2721 East Broad Street.

Miss Irving Withers Wright has been spending the winter in Orange county, at the home of her grandmother, Mrs. Henderson.

Miss Deane, of this city, is the guest of Bishop and Mrs. Robert Strange, of Wilmington, N. C.

Miss Helen Newman, of Atlanta, Ga., is expected to visit friends in Richmond shortly.

President W. W. Moore, of Union Theological Seminary, who has been confined to his room for some days, has recovered sufficiently to be out again.

Dr. Thomas Cary Johnson, of the Seminary, continues to improve at Memorial Hospital.

Miss Elizabeth Dunn, of Hot Springs, Va., who attended the Hunt ball in Richmond, is now at Palm Beach, Fla.

Mrs. John Tree is the guest of relatives in Danville, Va.

Mrs. W. H. Parrish and Mrs. F. W.

DECISION DAY IN SUPREME COURT

Many Interesting Cases Handed Down By the Judges of the Highest Court.

RICHMOND COURT REVERSED

Railway's Rights in the Matter of Overhead Crossings Are Set Forth.

Yesterday was opinion day in the Supreme Court of Appeals. Twelve opinions were handed down, some of them being of great importance. Below will be found a synopsis of some of the more important ones.

In the case of Wilson, Trustee, et al., vs. Langhorne, Trustee, et al., from the Corporation Court of Lynchburg, the opinion was by Judge Keith, who says: "The case before us is the sequel to that of Wilson, Trustee, vs. Langhorne and Others, reported in 102 Va., pp. 631. The case was then remanded to the Corporation Court of Lynchburg to be proceeded in accordance with the opinion then expressed."

A controversy having arisen over the disposition of the fund, a final decree was entered in the Corporation Court distributing it in accordance with its opinion, which is filed in the record. From that decree this appeal was taken. It states in a very satisfactory manner the reasons which control its decisions, we adopt the opinion of the court, and affirm its decree."

The judge then quotes and adopts the opinion in 102 Va., pp. 631.

Fisher-Gould Controversy.

Redwood and others vs. Rogers and others, is another litigation growing out of the conflict between the Fisher and Gould interests. The case comes from the Hustings Court of the city of Petersburg where the decree of the court was in favor of Fisher, Davis and Rogers, and upon the appeal of Redwood and others the Supreme Court, by opinion of Judge Keith, has reversed the decision, affirming the decision of the lower court.

The opinion of Judge Harrison is quite brief, notwithstanding the voluminous testimony introduced out of such of the history of the Southside Railway and Development Company, from its creation down to the institution of this suit, as is material to the decision of the case, he proceeds as follows:

The contention of appellants, in brief, is that the holders of \$50,000 of the bonds of the Southside Railway and Development Company, which were legally issued, and their effort is to require the cancellation of the \$50,000 of bonds of the same company held by appellees, who claim to be bona fide holders of the same.

The grounds for this contention are: (1) That the issue of the bonds held by the appellees was induced by the fraud of the appellants, who were in collusion with the appellees, and (2) That the appellees, under the facts and circumstances of the case, were in collusion with the appellants, and that such bonds are, therefore, void in the hands of Fisher or any other party having knowledge of the facts with relation to such transaction, and (3) That, irrespective of the question of actual fraud, the appellees, by their conduct, are in violation of the public policy of the state, and that, therefore, such bonds are subject to cancellation in the hands of any party having knowledge of the facts.

The charge of fraud is only made, and the burden is upon the party alleging it to establish its existence, not by doubtful and inconclusive evidence, but by clear and convincing evidence. It is not enough that the appellees were in collusion with the appellants, but that the appellees, under the facts and circumstances of the case, were in collusion with the appellants, and that such bonds are, therefore, void in the hands of Fisher or any other party having knowledge of the facts.

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We are further of opinion that in issuing the bonds now held by the appellees, the Southside Railway and Development Company was not guilty of an ultra vires act, and that the appellees, by their conduct, are in violation of the public policy of the state, and that, therefore, such bonds are subject to cancellation in the hands of any party having knowledge of the facts.

The county authorities have decided that the old place is not large enough to keep the people of the county, and for this reason a new structure is to be built.

Fredericksburg News.

(Special to The Times-Dispatch.)

FREDERICKSBURG, VA., March 1.—The handsome show horse, "Richmond Boy," formerly owned here by Father D. P. Coleman, which took two prizes at the Richmond Horse Show last year and which he sold for \$300, has just been resold to Mr. Spratley, of Norfolk, for \$250.

T. C. Coleman has purchased the store house and stock of goods of Harris & Frazier, at Spotsylvania Court-house, paying \$2,150 for the real estate and \$1,500 for the stock of merchandise.

Col. P. E. D. Cole has purchased of Mr. Charles W. Perry, the latter's residence on Canal Street, in this city.

Barner-Carter.

(Special to The Times-Dispatch.) FREDERICKSBURG, VA., March 1.—Mr. John Barner, of Orange, and Miss Bessie Carter, of Caroline county, were married here yesterday at the residence of Rev. H. A. Williams, of the Baptist Church. They will reside in Orange county, upon their return from a bridal trip.

Upon the whole case, we are of opinion that there is no error in the decree appealed from, and it must be affirmed.

Another Richmond Case.

In the case of the Smokeless Fuel Company vs. Seaton & Sons, being an appeal from the Circuit Court of Richmond, Judge Harrison, who wrote the opinion and sustained the lower court, says:

Upon the whole case, we are of opinion that the jury were properly instructed, and their verdict was amply sustained by the evidence. For these reasons the judgment of the Circuit Court must be affirmed."

The case of the Norfolk and Western Railway Company vs. the Tidewater Railway Company, from the State Corporation Commission, was decided in favor of the latter, Judge Buchanan handing down the opinion.

The Norfolk and Western Railway

ALL ENTERTAINING

Tales of Texas Sheriff,
Fairbrother's Fancies,
Whims of the Idler,
Lincoln Steffens' Letter,
Frank Carpenter's Letter

Special Features for

Men, Women, and Children

in the

Sunday Times-Dispatch.

Company instituted the proceedings before the Corporation Commission for the purpose of having an inquiry as to the propriety and necessity for the location of a grade crossing by the Tidewater Railway Company over the tracks of the former company at the throat of Norfolk and Western yard near Norfolk, according to the plans for such crossing which were served on the management of the Norfolk and Western as required by law. The Corporation Commission, after hearing the evidence and contentions of the two companies, decided in favor of allowing the grade crossing.

In the beginning of the opinion it is held that the Corporation Commission erroneously permitted two citizens of Norfolk, not summoned by either party, to appear and make statements in reference to the crossing without being sworn. It is said that the commission might have had the right, if the evidence introduced by the parties left it in doubt as to what its judgment should be, to call persons as witnesses not introduced by either party who were thought competent to aid in reaching a correct conclusion; but that there is no necessity for such a course except under very exceptional circumstances, and then the persons called should be sworn. This error, it is concluded, however, does not justify a reversal of the order in this case, as the evidence, exclusive of the statements of these persons, was sufficient to support the finding of the commission.

The court decides that the object of this proceeding being merely to determine the necessity for the proposed crossing, and the place and manner of its construction, the question of taking property with or without due process of law, or of condemning the lands of the road to be crossed, cannot arise in this case; but that upon the adoption of the plans, appurtenances and methods for the crossing, the facts and circumstances disclosed by the record in this case, which it is said are not likely to exist in another case involving the same questions, are held to sustain the finding of the corporation commission, that from the topography of the ground it is manifest that the location selected is practically the only place at or about which a crossing could take place, and that, upon all the facts of the case having reference to the general character of the country around Norfolk, to the railroads entering there, the expense and difficulties involved in erecting an overhead crossing at that place, and the relative dangers and inconveniences to the public likely to follow from the adoption of a grade or overhead crossing, a grade crossing should be allowed.

The main decision is that the facts and circumstances of each particular case must control the decision of the question whether under the law one railroad company will be allowed to cross at grade the works of another; that "ordinarily one railroad ought not to be permitted to cross the throat of an existing or proposed yard of another railroad at grade. The facts and circumstances disclosed by the record in this case, which it is said are not likely to exist in another case involving the same questions, are held to sustain the finding of the corporation commission, that from the topography of the ground it is manifest that the location selected is practically the only place at or about which a crossing could take place, and that, upon all the facts of the case having reference to the general character of the country around Norfolk, to the railroads entering there, the expense and difficulties involved in erecting an overhead crossing at that place, and the relative dangers and inconveniences to the public likely to follow from the adoption of a grade or overhead crossing, a grade crossing should be allowed.

As to Overhead Crossing.

In the case of the Norfolk and Western Railway vs. Scruggs, from the Circuit Court for Lynchburg, Judge Harrison filed a very interesting opinion.

The declaration in this case alleges in substance that a man, while driving upon the railway near Lynchburg, where the Norfolk and Western has an overhead crossing above the public highway, suffered injury by his horse becoming frightened at a passing train overhead. The jury, under the instructions of the court, gave him the damages he asked. The railway company appealed, and Judge Harrison says:

"The great danger of railroads crossing public highways at grade is well understood, and the increase of population is adding daily to the number of those who suffer therefrom. Building bridges over highways by railroads, while expensive, is a matter of vast importance and greatly to be desired, in the interest of all concerned, and every encouragement should be given to that end. Where the

railroad crosses the highway by means of a bridge over it, the statute wisely refrains from imposing the burden, obstruction or inconvenience of the regulations and precautions applicable to grade crossings. If the railroad, when it avoids the danger of a grade crossing, erects a bridge over a highway, it is to be still required to ring its bell, blow the whistle and use all the precautions applicable to grade crossings, there would be little inducement to incur the cost of such constructions in the public interest.

"We are of the opinion that the declaration does not state a case which, under the statute, entitles the plaintiff to recover."

The judgment of the lower court was reversed, the verdict of the jury set aside, and this court entered such judgment as the lower court ought to have entered, sustaining the demurrer to the declaration and dismissing the case with cost.

Judge Buchanan concurred in the result, but not in the opinion.

Richmond Court Reversed.

In the case of the Eastern State Hospital vs. Richard C. Graves, committee, the Law and Equity Court of Richmond, is reversed, Judge Buchanan rendering the decision.

"The only question involved in this writ of error," says the judge, "is whether or not the statute of limitations runs against the claim sued on, which is for the board and medical attention furnished by Richard C. Graves as an inmate of the Eastern State Hospital."

"It is settled law," continues the judge, "that the statute of limitations, unless the statute expressly so provides, does not run against the State, and that this exemption applies to debts and demands of a personal nature in favor of the State as well as to real estate held by it."

Richmond Firm Wins.

In the case of J. W. Harrison, of Richmond, doing business as the Aragon Coffee Company, vs. Alfred M. Rogers, who sued him in the Circuit Court of Richmond, for \$3,727.02, Judge Keith handed down the decision.

The note given and upon which the suit was brought was made in payment for 500 bags of coffee, purchased by the Aragon Coffee Company on sample from Hills Bros. Co. of New York. It was alleged that both the sample and coffee had been tampered with and adulterated so skillfully that it was not discovered until the coffee was delivered, when it was found that it was so common and inferior that it could not be used. The note was payable at the Planters' National Bank, and before maturity was endorsed by the National Park Bank of New York.

Upon maturity payment was refused and the note protested and returned to the National Park Bank, from whom Rogers obtained it in November, 1934, paying the full amount represented by it, principal and interest.

The opinion states that there is no occasion to discuss the question as to whether the Aragon Coffee Company and Hills Brothers Company. It is shown that the National Park Bank was an innocent holder of the note for value and without notice, and the discussion is as to whether Rogers, who bought the note from the bank, acquired a title free from all antecedent equities.

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False Arrest.

In the case of Evans vs. the Atlantic Coast Line Railway from the Circuit Court of Norfolk, Judge Keith rendered

the decision, Judge Buchanan dissenting.

A. H. Evans was arrested on complaint of the railway company on a charge of the larceny of a pair of shoes. He was convicted by a justice, but on appeal to the circuit court of Norfolk county, was acquitted. He sued the railway company for damages, charging malicious prosecution. The jury gave a verdict for \$2,000, and the railway company and the court set the verdict aside as being contrary to the law and the evidence. From this action Evans appealed.

Judge Keith says: "The instructions given to the jury at the trial correctly stated the law, and the facts were sufficient to support the verdict. We are, therefore, of the opinion that the court erred in setting it aside, and the court will proceed to enter such judgment as the lower court ought to have entered."

SUMMARY OF OPINIONS. Sixteen Decisions Rendered Yesterday By Supreme Court.

A summary of the cases in which opinions were handed down yesterday by the Supreme Court of Appeals, rendered by Judge Keith, is as follows:

Wilson, Trustee, et al., vs. Langhorne, Trustee, et al., from the Corporation Court of Lynchburg. Affirmed.

Atlantic Coast Line Railway, et al., vs. Evans, et al., from the Circuit Court of Norfolk county. Reversed. Judge Keith dissenting.

Standard Oil Company, et al., vs. City of Fredericksburg, Corporation Court of city of Fredericksburg. Affirmed.

Hutton vs. Monmouth, et al., Corporation Court of city of Norfolk. Reversed. Judge Keith dissenting.

Swift and Company vs. City of Newport News. Affirmed.

By Judge John A. Buchanan: Norfolk and Western Railway Company, et al., vs. Scruggs, et al., Circuit Court of city of Norfolk. Reversed.

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